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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,135	11/25/2003	Zohar Bogin	P17516	9446

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EXAMINER	
MARTINEZ, DAVID E	
ART UNIT	**PAPER NUMBER**
2181	

MAIL DATE	DELIVERY MODE
09/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/723,135	BOGIN ET AL.	
	Examiner	Art Unit	
	David E. Martinez	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 27-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7,8,27-30,33 and 34* is/are rejected.

7)☒ Claim(s) *5,6,31 and 32* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/26/07 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. US Patent Application Publication No. US 2004/0260829 A1 to Husak et al. (hereinafter Husak)

1. With regards to claim 1, Husak teaches a method comprising

receiving a packet comprising one or more sample blocks of a stream comprised of one or more packets [paragraph 187, a message made up of packets (a message being a packet, and the packets being "sample blocks"], and

discarding any partial sample block of the packet that remains after detecting an end of the packet [paragraph 199].

2. With regards to claim 2, Husak teaches the method of claim 1 further comprising receiving an actual packet length for the packet, and detecting the end of the packet based upon the actual packet length [paragraph 7,].

3. With regards to claim 3, Husak teaches the method of claim 1 further comprising detecting the end of the packet in response to receiving a sync signal of the stream [paragraph 187, detection of the end of message by using the end-of-message (eom) flag which is a sync signal].

4. With regards to claim 4, Husak teaches the method of claim 1 further comprising detecting the end of the packet in response to detecting another packet of the stream [paragraph 187].

5. With regards to claim 27, it is of the same scope as claim 1 and thus is rejected under the same rationale.

6. With regards to claim 28, it is of the same scope as claim 2 and thus is rejected under the same rationale.

7. With regards to claim 29, it is of the same scope as claim 3 and thus is rejected under the same rationale.

8. With regards to claim 30, it is of the same scope as claim 4 and thus is rejected under the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US Patent Application Publication No. US 2004/0260829 A1 to Husak et al. (hereinafter Husak) in view of US Patent Application Publication No. US 2002/0018474 A1 to Assa et al. (hereinafter Assa).

9. With regards to claim 7 Husak is silent as to the method of claim 1 further comprising transferring only complete sample blocks of the packet to a buffer of a memory. However, Assa teaches transferring only complete sample blocks of the packet to a buffer of a memory for the benefit of ultimately becoming efficient in packet transmission by providing a substantially higher data throughput [paragraphs 26 and 56].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Husak and Assa to transfer only complete sample blocks of the packet to a buffer of a memory for the benefit of ultimately becoming efficient in packet transmission by providing a substantially higher data throughput.

10. With regards to claim 33, it is of the same scope as claim 7 and thus is rejected under the same rationale.

Claims 8 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. US Patent Application Publication No. US 2004/0260829 A1 to Husak et al. (hereinafter Husak) in view of US Patent No. 6,747,977 to Smith et al. (hereinafter Smith).

11. With regards to claim 8, Husak is silent as to the method of claim 1 further comprising classifying any sample block having less than a defined number of bytes as a partial sample block. However, Assa teaches classifying any sample block having less than a defined number of bytes [the cells] as a partial sample block for the benefit of tracking what packets need to be discarded [column 16 line 59 to column 17 line 17].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Husak and Smith to classify any sample block having less than a defined number of bytes [the cells] as a partial sample block for the benefit of tracking what packets need to be discarded.

12. With regards to claim 34, it is of the same scope as claim 8 and thus is rejected under the same rationale.

Allowable Subject Matter

Claims 5, 6, 31 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

With regards to claims 5 and 31, the prior art alone of in combination fail to teach or fairly disclose receiving an expected packet length indicative a number of complete sample blocks for the packet, receiving an actual packet length indicative of a number of complete sample blocks for the packet, and accepting the number of complete sample blocks indicated by the actual packet length despite the expected packet length indicating fewer complete sample blocks than the actual packet length in combination with the limitations found in their respective parent claims.

With regards to claim 6 and 32, the prior art alone of in combination fail to teach or fairly disclose receiving an expected packet length indicative a number of complete sample blocks for the packet, receiving an actual packet length indicative of a number of complete sample blocks for the packet, and accepting only the number of complete sample blocks of the packet indicated by the actual packet length despite the expected packet length indicating more

complete sample blocks than the actual packet length in combination with the limitations found in their respective parent claims.

Response to Arguments

Applicant's arguments filed 7/26/07 with respect to claims 1, 7, 8, 27, 33 and 34 have been fully considered but they are not persuasive.

With regards to Applicant's arguments directed to claims 1 and 27, the Examiner respectfully disagrees. In the Husak reference, packets make up a larger message which is analogous to sample blocks that make up a packet in the instant application. The Modified Partial Packet (MPP) mode, cited in paragraph 199 of Husak, discloses a "middle packet" (thus already having received a starting packet), having an EOM (end-of-message) flag that is used to reference where to start discarding packets from. The middle packet, being in a middle location within a larger message, is discarded along with the packets that are received thereafter thus only leaving the starting packet, thus anticipating the limitation "discarding any partial sample block of the packet that remains after detecting an end of packet".

Furthermore, as noted by the Applicant, paragraph 199 also recites a "reassembly" process which works in conjunction with the message discarding policy process. It is the message discarding policy process that is used to anticipate the recited limitations of the claims and not the reassembly process. Firstly, as cited in the rejection, the middle packet carrying the EOM flag is received and then the packets received subsequently are discarded. Then after that, the process of potentially discarding a whole reassembled packet during the reassembly process happens. The process of potentially discarding a whole reassembled packet during the reassembly process is not relevant to the matter of the message discarding policy. In the reassembly process, although the whole message (containing the packets) might be discarded at a later time after it has been received, the claims do not call for the keeping/storing of the

message (packet), it only calls for the receiving of the message (packet) which the reference does do prior to the reassembly process, it still receives packets and discards subsequent packets even if the received packets are discarded as a whole message at a later time.

With regards to claims 7,8,33 and 34, they stand rejected for the same reasons as above.

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Martinez whose telephone number is (571) 272-4152. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on 571-272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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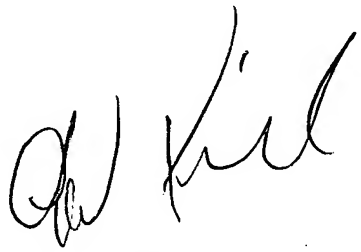

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